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PATENT  
Docket No. 377882001800

## DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, WE HEREBY DECLARE THAT:

Our residence, post office address, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: IMMUNOMODULATORY POLYNUCLEOTIDES AND METHODS OF USING THE SAME, the specification of which is attached hereto unless the following box is checked:

was filed on December 27, 2001 as United States Application Serial No.  
10/033,243

WE HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/258,675	December 27, 2000

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2/20/02

Karen L. Fearon

Date

Name: Karen L. FEARON  
 Residence: 4064 Valente Court, Lafayette, California 94549  
 Citizenship: U.S.A.  
 Post Office Address: Same as above

Date

2/28/02        
 Name: Dino DINA  
 Residence: 6140 Buena Vista Avenue, Oakland, California 94618  
 Citizenship: U.S.A.  
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PATENT  
Docket No. 377882001800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Karen L. FEARON and Dino DINA

Serial No.: 10/033,243

Filing Date: December 27, 2001

For: IMMUNOMODULATORY  
POLYNUCLEOTIDES AND METHODS  
OF USING THE SAME

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

**PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY  
UNDER 37 C.F.R. § 3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Dynavax Technologies Corporation, the assignee of the entire right, title and interest in this patent application, under 37 C.F.R. § 3.71 hereby appoints:

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Mehran Arjomand (Reg No. 48,231)  
Sanjay S. Bagade (Reg No. 42,280)  
Shantanu Basu (Reg No. 43,318)  
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all of Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018, telephone (650) 813-5600, to prosecute this application and transact all matters in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

Please direct all written communications relative to this application to:

Karen R. Zachow  
Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018

Please direct all telephone communications to Karen R. Zachow at (650) 813-5895.

Dynavax Technologies Corporation  
a Delaware corporation

Dated: Feb 28, 2002

Dino  
Name: Dino Dina, M.D.  
Title: President and CEO  
Address: 717 Potter Street, Suite 100  
Berkeley, CA 94710

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PTO/SB/96 (08-00)

Approved for us through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Karen L. FEARON and Dino DINA  
Application No./Patent No.: 10/033,243 Filed/Issue Date: December 27, 2001  
Entitled: IMMUNOMODULATORY POLYNUCLEOTIDES AND METHODS OF USING THE SAME  
Dynavax Technologies Corporation, a corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Feb 28, 02  
Date

Dino Dina

Print Name

D D

Signature

President + CEO

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Attorney Docket No.: 377882001800



Creation date: 01-08-2003

Indexing Officer: PHOENIX - PHOENIX

Team: PhxAdministrator

Dossier: 10033243

Legal Date: 03-04-2002

No.	Doccode	Number of pages
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2	SEQLIST	36

Total number of pages: 39

Remarks:

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